

[First Reprint]  
**SENATE, No. 84**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator SHARPE JAMES**

**District 29 (Essex and Union)**

**Senator LEONARD T. CONNORS, JR.**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman DOUGLAS H. FISHER**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

**Senators Inverso, Cunningham, Ciesla and Assemblyman Chiappone**

**SYNOPSIS**

Clarifies that cruelty to animals includes the use of an animal to injure another animal or the use of any direct or indirect means to inflict the cruelty.

**CURRENT VERSION OF TEXT**

As reported by the Senate Economic Growth Committee on February 5, 2004, with amendments.



(Sponsorship Updated As Of: 5/17/2005)

1 AN ACT concerning cruelty to animals in certain circumstances and  
2 amending R.S.4:22-17 <sup>1</sup>and R.S.4:22-26<sup>1</sup> .

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 <sup>1</sup>[1. R.S.4:22-17 is amended to read as follows:

8 4:22-17. A person who shall:

9 a. Overdrive, overload, drive when overloaded, overwork, torture,  
10 torment, deprive of necessary sustenance, unnecessarily or cruelly beat  
11 or otherwise abuse, or needlessly mutilate or kill, a living animal or  
12 creature;

13 b. Cause or procure any of such acts to be done including through  
14 the use of another animal; or

15 c. Inflict unnecessary cruelty upon a living animal or creature of  
16 which he has charge either as owner or otherwise, or unnecessarily fail  
17 to provide it with proper food, drink, shelter or protection from the  
18 weather, or leave it unattended in a vehicle under inhumane conditions  
19 adverse to the health or welfare of the living animal or creature--

20 Shall be guilty of a disorderly persons offense, and notwithstanding  
21 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
22 shall be fined not less than \$250 nor more than \$1,000, or be  
23 imprisoned for a term of not more than six months, or both, in the  
24 discretion of the court. In addition, the court (1) shall impose a term  
25 of community service of up to 30 days, and may direct that the term  
26 of community service be served in providing assistance to the New  
27 Jersey Society for the Prevention of Cruelty to Animals, a district  
28 (county) society for the prevention of cruelty to animals, or any other  
29 recognized organization concerned with the prevention of cruelty to  
30 animals or the humane treatment and care of animals, or to a  
31 municipality's animal control or animal population control program;  
32 (2) may require the violator to pay restitution or otherwise reimburse  
33 any costs for food, drink, shelter, or veterinary care or treatment, or  
34 other costs, incurred by any agency, entity, or organization  
35 investigating the violation, including but not limited to the New Jersey  
36 Society for the Prevention of Cruelty to Animals, a district (county)  
37 society for the prevention of cruelty to animals, any other recognized  
38 organization concerned with the prevention of cruelty to animals or  
39 the humane treatment and care of animals, or a local or State  
40 governmental entity; and (3) may impose any other appropriate  
41 penalties established for a disorderly persons offense pursuant to Title

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SEG committee amendments adopted February 5, 2004.

1 2C of the New Jersey Statutes.

2 (cf: P.L.2000, c.162, s.1)]<sup>1</sup>

3

4 <sup>1</sup>1. R.S.4:22-17 is amended to read as follows:

5 4:22-17. a. A person who shall:

6 (1) Overdrive, overload, drive when overloaded, overwork,  
7 deprive of necessary sustenance, abuse, or needlessly kill a living  
8 animal or creature;

9 (2) Cause or procure , by any direct or indirect means, including  
10 but not limited to through the use of another living animal or creature,  
11 any such acts to be done; or

12 (3) Inflict unnecessary cruelty upon a living animal or creature, by  
13 any direct or indirect means, including but not limited to through the  
14 use of another living animal or creature; or unnecessarily fail to  
15 provide a living animal or creature of which the person has charge  
16 either as an owner or otherwise with proper food, drink, shelter or  
17 protection from the weather [.] ; or leave it unattended in a vehicle  
18 under inhumane conditions adverse to the health or welfare of the  
19 living animal or creature--

20 Shall be guilty of a disorderly persons offense, and notwithstanding  
21 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
22 shall be fined not less than \$250 nor more than \$1,000, or be  
23 imprisoned for a term of not more than six months, or both, in the  
24 discretion of the court. [In addition, the court (1) shall impose a term  
25 of community service of up to 30 days, and may direct that the term  
26 of community service be served in providing assistance to the New  
27 Jersey Society for the Prevention of Cruelty to Animals, a district  
28 (county) society for the prevention of cruelty to animals, or any other  
29 recognized organization concerned with the prevention of cruelty to  
30 animals or the humane treatment and care of animals, or to a  
31 municipality's animal control or animal population control program;  
32 (2) may require the violator to pay restitution or otherwise reimburse  
33 any costs for food, drink, shelter, or veterinary care or treatment, or  
34 other costs, incurred by any agency, entity, or organization  
35 investigating the violation, including but not limited to the New Jersey  
36 Society for the Prevention of Cruelty to Animals, a district (county)  
37 society for the prevention of cruelty to animals, any other recognized  
38 organization concerned with the prevention of cruelty to animals or  
39 the humane treatment and care of animals, or a local or State  
40 governmental entity; and (3) may impose any other appropriate  
41 penalties established for a disorderly persons offense pursuant to Title  
42 2C of the New Jersey Statutes.] A violator of this subsection shall also  
43 be subject to the provisions of subsection c. and, if appropriate,  
44 subsection d. of this section.

45 b. A person who shall purposely, knowingly, or recklessly:

46 (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly

1 beat, or needlessly mutilate a living animal or creature; or  
2 (2) Cause or procure , by any direct or indirect means, including  
3 but not limited to through the use of another living animal or creature,  
4 any such acts to be done --

5 Shall be guilty of a crime of the fourth degree.

6 If the animal or creature is cruelly killed or dies as a result of a  
7 violation of this subsection, or the person has a prior conviction for a  
8 violation of this subsection, the person shall be guilty of a crime of the  
9 third degree.

10 A violator of this subsection shall also be subject to the provisions  
11 of subsection c. and, if appropriate, subsection d. of this section.

12 c. For a violation of [this] subsection a. or b. of this section , in  
13 addition to imposing any other appropriate penalties established for a  
14 crime of the third degree [or a] . crime of the fourth degree, or  
15 disorderly persons offense, as the case may be, pursuant to Title 2C of  
16 the New Jersey Statutes, the court shall impose a term of community  
17 service of up to 30 days, and may direct that the term of community  
18 service be served in providing assistance to the New Jersey Society for  
19 the Prevention of Cruelty to Animals, a district (county) society for the  
20 prevention of cruelty to animals, or any other recognized organization  
21 concerned with the prevention of cruelty to animals or the humane  
22 treatment and care of animals, or to a municipality's animal control or  
23 animal population control program. The court also may require the  
24 violator to pay restitution or otherwise reimburse any costs for food,  
25 drink, shelter, or veterinary care or treatment, or other costs, incurred  
26 by any agency, entity, or organization investigating the violation,  
27 including but not limited to the New Jersey Society for the Prevention  
28 of Cruelty to Animals, a district (county) society for the prevention of  
29 cruelty to animals, any other recognized organization concerned with  
30 the prevention of cruelty to animals or the humane treatment and care  
31 of animals, or [to a municipality's animal control or animal population  
32 control program] a local or State governmental entity .

33 [c.] d. If a juvenile is adjudicated delinquent for an act which, if  
34 committed by an adult, would constitute a disorderly persons offense  
35 pursuant to subsection a. of this section or a crime of the third degree  
36 or crime of the fourth degree pursuant to subsection b. of this section,  
37 the court also shall order the juvenile to receive mental health  
38 counseling by a licensed psychologist or therapist named by the court  
39 for a period of time to be prescribed by the licensed psychologist or  
40 therapist.<sup>1</sup>

41 (cf: P.L.2003, c.232, s.1)

42

43 <sup>1</sup>2. R.S.4:22-26 is amended to read as follows:

44 4:22-26. A person who shall:

45 a. (1) Overdrive, overload, drive when overloaded, overwork,  
46 deprive of necessary sustenance, abuse, or needlessly kill a living

1 animal or creature, or cause or procure , by any direct or indirect  
2 means, including but not limited to through the use of another living  
3 animal or creature, any such acts to be done;

4 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
5 beat, or needlessly mutilate a living animal or creature, or cause or  
6 procure , by any direct or indirect means, including but not limited to  
7 through the use of another living animal or creature, any such acts to  
8 be done;

9 (3) Cruelly kill, or cause or procure , by any direct or indirect  
10 means, including but not limited to through the use of another living  
11 animal or creature, the cruel killing of, a living animal or creature, or  
12 otherwise cause or procure , by any direct or indirect means, including  
13 but not limited to through the use of another living animal or creature,  
14 the death of a living animal or creature from commission of any act  
15 described in paragraph (2) of this subsection;

16 b. (Deleted by amendment, P.L.2003, c.232).

17 c. Inflict unnecessary cruelty upon a living animal or creature, by  
18 any direct or indirect means, including but not limited to through the  
19 use of another living animal or creature; or unnecessarily fail to  
20 provide a living animal or creature of which the person has charge  
21 either as an owner or otherwise with proper food, drink, shelter or  
22 protection from the weather [.] ; or leave it unattended in a vehicle  
23 under inhumane conditions adverse to the health or welfare of the  
24 living animal or creature;

25 d. Receive or offer for sale a horse that is suffering from abuse or  
26 neglect, or which by reason of disability, disease, abuse or lameness,  
27 or any other cause, could not be worked, ridden or otherwise used for  
28 show, exhibition or recreational purposes, or kept as a domestic pet  
29 without violating the provisions of this article;

30 e. Keep, use, be connected with or interested in the management  
31 of, or receive money or other consideration for the admission of a  
32 person to, a place kept or used for the purpose of fighting or baiting  
33 a living animal or creature;

34 f. Be present and witness, pay admission to, encourage, aid or  
35 assist in an activity enumerated in subsection e. of this section;

36 g. Permit or suffer a place owned or controlled by him to be used  
37 as provided in subsection e. of this section;

38 h. Carry, or cause to be carried, a living animal or creature in or  
39 upon a vehicle or otherwise, in a cruel or inhumane manner;

40 i. Use a dog or dogs for the purpose of drawing or helping to draw  
41 a vehicle for business purposes;

42 j. Impound or confine or cause to be impounded or confined in a  
43 pound or other place a living animal or creature, and shall fail to  
44 supply it during such confinement with a sufficient quantity of good  
45 and wholesome food and water;

46 k. Abandon a maimed, sick, infirm or disabled animal or creature

- 1 to die in a public place;
- 2 l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
3 be sold or offered for sale, used or exposed, a horse or other animal  
4 having the disease known as glanders or farcy, or other contagious or  
5 infectious disease dangerous to the health or life of human beings or  
6 animals, or who shall, when any such disease is beyond recovery,  
7 refuse, upon demand, to deprive the animal of life;
- 8 m. Own, operate, manage or conduct a roadside stand or market  
9 for the sale of merchandise along a public street or highway; or a  
10 shopping mall, or a part of the premises thereof; and keep a living  
11 animal or creature confined, or allowed to roam in an area whether or  
12 not the area is enclosed, on these premises as an exhibit; except that  
13 this subsection shall not be applicable to: a pet shop licensed pursuant  
14 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
15 animal, in a humane manner, for the purpose of the protection of the  
16 premises; or a recognized breeders' association, a 4-H club, an  
17 educational agricultural program, an equestrian team, a humane  
18 society or other similar charitable or nonprofit organization conducting  
19 an exhibition, show or performance;
- 20 n. Keep or exhibit a wild animal at a roadside stand or market  
21 located along a public street or highway of this State; a gasoline  
22 station; or a shopping mall, or a part of the premises thereof;
- 23 o. Sell, offer for sale, barter or give away or display live baby  
24 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
25 have been dyed or artificially colored or otherwise treated so as to  
26 impart to them an artificial color;
- 27 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
28 alms, collections, contributions, subscriptions, donations, or payment  
29 of money except in connection with exhibitions, shows or  
30 performances conducted in a bona fide manner by recognized breeders'  
31 associations, 4-H clubs or other similar bona fide organizations;
- 32 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
33 baby chicks, ducklings or other fowl under two months of age, for use  
34 as household or domestic pets;
- 35 r. Sell, offer for sale, barter or give away living baby chicks,  
36 ducklings or other fowl, or rabbits, turtles or chameleons under two  
37 months of age for any purpose not prohibited by subsection q. of this  
38 section and who shall fail to provide proper facilities for the care of  
39 such animals;
- 40 s. Artificially mark sheep or cattle, or cause them to be marked, by  
41 cropping or cutting off both ears, cropping or cutting either ear more  
42 than one inch from the tip end thereof, or half cropping or cutting both  
43 ears or either ear more than one inch from the tip end thereof, or who  
44 shall have or keep in the person's possession sheep or cattle, which the  
45 person claims to own, marked contrary to this subsection unless they  
46 were bought in market or of a stranger;

- 1 t. Abandon a domesticated animal;
- 2 u. For amusement or gain, cause, allow, or permit the fighting or  
3 baiting of a living animal or creature;
- 4 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
5 a living animal or creature for the purpose of fighting or baiting that  
6 animal or creature;
- 7 w. Gamble on the outcome of a fight involving a living animal or  
8 creature;
- 9 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
10 or retail, the fur or hair of a domestic dog or cat or any product made  
11 in whole or in part from the fur or hair of a domestic dog or cat, unless  
12 such fur or hair for sale or barter is from a commercial grooming  
13 establishment or a veterinary office or clinic or is for use for scientific  
14 research;
- 15 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
16 or retail, for human consumption, the flesh of a domestic dog or cat or  
17 any product made in whole or in part from the flesh of a domestic dog  
18 or cat;
- 19 z. Surgically debark or silence a dog in violation of section 1 or 2  
20 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 21 aa. Use a live pigeon, fowl or other bird for the purpose of a  
22 target, or to be shot at either for amusement or as a test of skill in  
23 marksmanship, except that this subsection and subsections bb. and cc.  
24 shall not apply to the shooting of game;
- 25 bb. Shoot at a bird used as described in subsection aa. of this  
26 section, or is a party to such shooting; or
- 27 cc. Lease a building, room, field or premises, or knowingly permit  
28 the use thereof for the purposes of subsection aa. or bb. of this section  
29 --
- 30 Shall forfeit and pay a sum according to the following schedule, to  
31 be sued for and recovered, with costs, in a civil action by any person  
32 in the name of the New Jersey Society for the Prevention of Cruelty  
33 to Animals:
- 34 For a violation of subsection e., f., g., u., v., w., or z. of this section  
35 or of paragraph (3) of subsection a. of this section, or for a second or  
36 subsequent violation of paragraph (2) of subsection a. of this section,  
37 a sum of up to \$5,000;
- 38 For a violation of subsection l. of this section or for a first violation  
39 of paragraph (2) of subsection a. of this section, a sum of up to  
40 \$3,000;
- 41 For a violation of subsection x. or y. of this section, a sum of up to  
42 \$1,000 for each domestic dog or cat fur or fur or hair product or  
43 domestic dog or cat carcass or meat product;
- 44 For a violation of subsection t. of this section, a sum of not less  
45 than \$500 nor more than \$1,000, but if the violation occurs on or near  
46 a highway, a mandatory sum of \$1,000;

1 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this  
2 section or of paragraph (1) of subsection a. of this section, a sum of  
3 up to \$1,000; and

4 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
5 section, a sum of up to \$500.<sup>1</sup>

6 (cf: P.L.2003, c.232, s.3)

7

8 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.